

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

WILLIAM A. JACOBSON, on behalf of
himself and others similarly situated,
Plaintiff,

Case No. 3:22-cv-00033-MAD-ML

v.

MARY T. BASSETT, in her official capacity as
Acting Commissioner of the New York
Department of Health,

Defendant.

DECLARATION OF WILLIAM A. JACOBSON

1. I am a United States citizen and resident of Tompkins County, New York.
2. I am over the age of eighteen and under no mental disability or impairment. I have personal knowledge of the following facts and, if called as a witness, I would competently testify to them.
3. I am of East European ancestry and not “non-white” and not of Hispanic/Latino ethnicity. I am 62 years old.
4. I am a Clinical Professor of Law at Cornell University. The university recently had a severe outbreak of COVID-19 despite its extensive COVID protocols. More than 1,300 people on campus were infected in just one week according to reported statistics. *See* Anil Oza, *How the Omicron Variant and the End of the Semester Created a ‘Perfect Storm’ for Cornell’s COVID Outbreak*, The Cornell Sun, (Dec. 17, 2021), <https://bit.ly/32a0sGc>.
5. As of February 3, 2022, there have been over 75 million reported cases of COVID-19 in the United States according to reported statistics. *See COVID Data Tracker*, Centers for Disease Control & Prevention, <https://bit.ly/3J4SWfB>.

6. According to federal officials, “most people are going to get covid.” Aaron Blake, *Most People Are Going to Get Covid: A Momentous Warning at a Senate Hearing*, Washington Post (Jan. 11, 2022), <https://wapo.st/3fqyxVt>

7. When I inevitably contract COVID-19, I want to immediately access oral antiviral treatments to reduce my risk of serious illness or death.

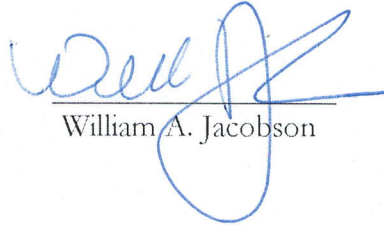
8. In New York, however, I am not automatically eligible to receive these treatments because I am not non-white and not of “Hispanic/Latino ethnicity.” I can only obtain these treatments if I demonstrate “a medical condition or other factors that increase [my] risk for severe illness.”

9. Like New Yorkers of other races and ethnicity, I want to be eligible for and obtain these treatments without having to demonstrate a “medical condition or other factors that increase [my] risk for severe illness.”

10. I have a heightened concern when I go about my daily activities because I know that I am not automatically eligible for life-saving treatments under New York State guidelines solely because of my race and ethnicity.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 3rd day of February, 2022



William A. Jacobson